

§ 932.150

7 CFR Ch. IX (1–1–97 Edition)

and slices (*practically free from identifiable units* means that not more than 5 percent, by weight, of the unit of chopped style olives may be identifiable pit caps, end slices, or slices); and

(3) Canned halved, segmented (wedged) and sliced olives of the ripe type shall grade at least U.S. Grade C;

(b) Terms used in this section shall have the same meaning as are given to

the respective terms in the current U.S. Standards for Grades of Canned Ripe Olives (7 CFR part 52) including the terms “U.S. Grade B”, “U.S. Grade C”, “size”, “character”, “defects”, and “Ripe Type”: *Provided*, That Table I of this section shall apply in lieu of the tables for limits for defects contained in said standards.

TABLE I—LIMITS FOR DEFECTS

	Whole per 50 ol- ives	Pitted per 50 olives	Halves per 100 halves	Segmented per 255 gm (9oz)	Sliced per 255 gm (9oz)	Chopped per 255 gm (9oz)	Broken pit- ted per 255 gm (9oz)
HEVM, HEM or EVM .....	1	1	1 .....	2 .....	Fairly free ...	Fairly free ...	2.
Stems:							
Minor and major stems inclusive.	3	3	3 .....	.....	.....	.....	
Major stems .....	2	2	2 .....	3 .....	3 .....	3 .....	4.
Minor and major blem- ishes, minor and major wrinkles and mutilated.	10	10	No limit .....	Fairly free ...	Fairly free ...	Fairly free ...	No limit.
Provided: Major blem- ishes, major wrinkles do not exceed.	5	5	25 .....	.....	.....	.....	51 gm. <sup>1</sup>
Further provided: Muti- lated do not exceed.	3	3	.....	.....	.....	.....	
Broken pieces and poorly cut units.	.....	.....	25 .....	Fairly free ...	Fairly free ...	.....	
Mechanical damage .....	5	5	20 .....	.....	.....	.....	
Blowouts, cross pitted, plunger and pitter dam- age.	.....	15	.....	.....	.....	.....	
Obvious split pit or mis- shapen.	5	.....	.....	.....	.....	.....	
Severe blemishes (green- ripe type only).	3	3	3 .....	.....	.....	.....	

<sup>1</sup> Major blemishes only.

[47 FR 51349, Nov. 15, 1982, as amended at 49 FR 34440, Aug. 31, 1984; 49 FR 44448, Nov. 7, 1984]

**§ 932.150 Modified grade requirements for canned green ripe olives.**

The grade requirements prescribed in § 932.52(a)(1) of this part are hereby modified with respect to canned green ripe olives so that no requirements shall be applicable with respect to color and blemishes of such olives.

[48 FR 54212, Dec. 1, 1983]

**§ 932.151 Incoming regulations.**

(a) *Inspection stations.* Natural condition olives shall be sampled and size-graded only at inspection stations which shall be a plant of a handler or other place having facilities for sampling and size-grading such olives: *Provided*, That such location and facilities are satisfactory to the Inspection Service and the committee: *Provided fur-*

*ther*, That upon prior application to, and approval by, the committee, a handler may have olives size-graded at an inspection station other than the one where the lot was sampled.

(b) *Lot identification.* Immediately upon receipt of each lot of natural condition olives for which inspection is required, the handler shall complete Form COC 3A or 3C, weight and grade report or such other lot identification form as may be approved by the committee, which shall contain at least the following: (1) Lot number; (2) date; (3) variety; and (4) number and type containers. Pending completion of size-grading of such lot, or the sampling of such lot if it is to be size-graded by sample, the handler shall maintain identity of such lot of olives with its

corresponding lot weight and grade report.

(c) *Weighing.* Each lot of natural condition olives for which inspection is required shall be separately weighed to determine the net weight of olives. If the lot is to be size-graded by sample, the lot shall be weighed upon receipt by the handler. If the lot is to be size-graded by lot, the net weight shall be determined after size-grading by weighing all of the component parts resulting from the size-grading operations (including culls), and totaling such weights.

(d) *Incoming inspection*—(1) *General.* The handler is responsible for the proper performance of all actions connected with the identification of lots of olives, the weighing of boxes or bins, the taking of samples, the size-grading of samples, and the furnishing of necessary personnel for the carrying out of such actions. All such actions shall be performed under the supervision of the Inspection Service.

(2) *Certification.* For each lot of olives that are size-graded, the handler shall complete Form COC-3A or 3C weight and grade report, which shall contain at least the following: (i) Name of handler; (ii) name of producer; (iii) county of production; (iv) applicable lot number; (v) weight certificate number; (vi) net weight; (vii) number and type of containers; (viii) date received; (ix) time received; (x) method of size-grade determination (sample or lot); (xi) weight of sample, if size-graded by sample; and (xii) the quantity of olives in each size designation. The completed Form COC-3A or 3C shall be furnished to the Inspection Service which shall certify thereon that the lot was size-graded as required by § 932.51 if in accordance with the facts.

(e) *Disposition of noncanning olives*—(1) *Notification and inspection of noncanning olives.* Prior to disposition of noncanning olives the handler shall complete Form COC-5, report of limited and undersize and cull olives inspection and disposition, which shall contain the following: (i) Type and number of containers; (ii) type of olives (undersize or culls); (iii) net weight; (iv) variety; (v) outlet (green olives, olive oil, etc.); and (vi) consignee. Before disposition of such olives, the completed Form

COC-5 shall be furnished to the Inspection Service which shall inspect the olives for conformance with the information contained thereon, and, if correct, so certify in the space provided thereon.

(2) *Control and surveillance.* Noncanning olives that have been reported on Form COC-5 and inspected by the Inspection Service shall, unless such olives are disposed of immediately after being inspected under supervision of the inspector, be identified by fixing to each bin or pallet of boxes an COC control card which may be obtained from the committee. Such olives shall be kept separate and apart from other olives in the handler's possession and shall be disposed of only in the outlet shown on Form COC-5 and under the supervision of an inspector of the Inspection Service.

(3) *Time period for disposition.* All required disposition of noncanning olives shall be completed not later than September 30 of the crop year following the one in which the obligation is incurred or such later date that a handler may specify in a notice filed with the committee at least 15 days prior to September 15 of such subsequent crop year: *Provided*, That such notice shows that such handler has a sufficient quantity of olives held in storage to meet his obligation and such later date is not later than the date when he will have completed his disposition of olives of the crop year of obligation.

(4) *Olives not subject to incoming inspection.* Except as otherwise prescribed in § 932.51(b), any lot of olives to be used solely in the production of green olives or canned ripe olives of the "tree ripened" type shall not be subject to incoming inspection: *Provided*, That the applicable requirements of § 932.51(b) are met and the handler notifies the Inspection Service, in writing, that such lot is to be so used. Notice may be given by writing on the weight certificate "Lot to be used solely for use in the production of green olives or tree ripened olives" and a copy of such weight certificate given to the Inspection Service.

(f) *Partially exempted lots.* (1) Pursuant to § 932.55, any handler may process any lot of natural condition olives for

use in the production of packaged olives which has not first been weighed and size-graded as an individual lot as required by §932.51(a)(i) and (ii), but was combined with any other lot or lots of natural condition olives, only if (i) all the olives in the combined lot are delivered to the handler in the same day, (ii) the total net weight of the olives delivered to the handler by any person in such day does not exceed 500 pounds, (iii) each such person had authorized combination of his lot with other lots, and (iv) the combined lot of the natural condition olives is weighed and size-graded as required by §932.51(a)(i) and (ii) prior to processing the olives.

(2) Whenever the natural condition olives in partially exempt individual lots are combined with other such olives as provided in paragraph (f)(1) of this section, the provision of the section applicable on individual lots shall apply instead to a combined lot.

(3) Each such handler shall file with the committee a weekly report showing for each day of the week the respective quantity in combined lots together with each person's authorization for combining lots. The report shall be filed upon a form supplied by the committee.

(g) *Additional Marketing Order Size Designations.* Pursuant to the authority in §932.51(a)(1)(ii), the following additional size designations are established:

Designation(s)	Approximate count (per pound)	Average count range (per pound)
Subpetite .....	.....	181 and up.
Petite .....	166	141–180, inclusive.
Extra Large Sevillano "L" .....	86	76–90, inclusive.
Extra Large Sevillano "C" .....	70	65–75, inclusive.

[31 FR 12635, Sept. 27, 1966, as amended at 33 FR 15631, Oct. 23, 1968; 34 FR 15389, Oct. 2, 1969; 49 FR 34440, Aug. 31, 1984; 49 FR 44448, Nov. 7, 1984; 52 FR 38224, Oct. 15, 1987; 52 FR 49346, Dec. 31, 1987]

#### § 932.152 Outgoing regulations.

(a) *Inspection stations.* Processed olives shall be sampled and graded only at an inspection station which shall be any olive processing plant having facilities for in-line inspection which are

satisfactory to the Inspection Service and the committee, or at an olive processing plant which has an approved Quality Assurance Program in effect.

(b) *Inspection.* (1) *General.* Inspection of packaged olives for conformance with §932.52 shall be by a Quality Assurance Program approved by the Processed Products Branch (PPB), USDA; or by in-line inspection. A PPB approved Quality Assurance Program shall be pursuant to a Quality Assurance contract as referred to in §52.2. During in-line inspection, no handler shall perform the final processing operations which immediately precede the packaging of the olives unless an inspector is present when the olives are so processed.

(2) *Pitting operations.* If olives are sized prior to pitting and such olives meet the size requirements for packaging as canned whole ripe olives but are held in containers prior to final processing, such olives shall be identified to the satisfaction of the Inspection Service and be held separate and apart from other olives until such time as they are submitted for inspection prior to being packaged. If olives are sized prior to pitting and such olives do not meet the size requirements for packaging as canned whole ripe olives but meet the applicable size requirements specified in §932.52 for halved, sliced, chopped, or minced styles of canned ripe olives, such olives shall be identified to the satisfaction of the Inspection Service and be held separate and apart from other olives until such time as they are submitted for inspection prior to being packaged.

(c) *Certification.* (1) Each handler shall furnish daily to the Inspection Service a copy of a pack report for the preceding work day which shall contain at least the following: (i) The total number of cases of packaged olives; (ii) number of cans per case; (iii) can size; (iv) can code; (v) variety; (vi) fruit size; and (vii) style.

(2) The Inspection Service shall issue for each day's pack a signed certificate covering the quantities of such packaged olives which meet all applicable grade and size requirements. Each such certificate shall contain at least the following: (i) Date; (ii) place of inspection; (iii) name and address of